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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,270	03/02/2005	Eric Langer	2002P10497WOUS	6408

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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

EMERSON, SHEROD J

ART UNIT	PAPER NUMBER
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2169

MAIL DATE	DELIVERY MODE
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12/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,270

Applicant(s)

LANGER ET AL.

Examiner

Sherod J. Emerson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03/02/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 18-37 are pending in this application.

Information Disclosure Statement

2. The Applicants' Information Disclosure Statement, filed March, 02, 2005, has been received and entered into the record. Since the Information Disclosure Statement complies with the provisions of MPEP § 609, the references cited therein have been considered by the examiner. See attached form PTO-1449.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 18- 22, 24-25, 27-29, 31 and 34-35 are rejected under 35 U.S.C. 102(e) as being unpatentable by over Slotznick (United States Patent 7058356).
5. Regarding claim 18 Slotznick discloses,

A user-side device arrangement for a data transfer service, comprising:
a first computer comprising a first storage unit (a computer is disclosed, column 5, lines 14-24) in which program instructions can be stored (storage is inherent in computers) , a first processor which executes the stored program instructions (a processor is inherent in computers), and a signaling unit for implementing features of the data transfer service (a TV tuner or circuit is disclosed, column 5, lines 14-19); and a second computer operatively connected to the first computer via a data transmission network (a TV phone is disclosed, which has all the functions of a PDA, column 4, lines 42-55), the second computer comprising a data processing unit (TV phone transmits data to a TV top set, which would require a data processor, column 3, lines 41-43) that processes the data to be transferred or actually transferred within the scope of the data transfer service (transmission of data to a TV top set, column 3, lines 41-43), and a second storage unit (storage is inherent in the design of a device functioning as a PDA, an alternate embodiment of the TV phone, column 4, 42-43) and a second processor (processors are inherent in the design of any device functioning as a PDA, an alternate embodiment of the TV phone, column 4, 42-43) for use of the data processing unit.

6. Regarding claim 19 Slotznick discloses,

The device arrangement according to claim 18, wherein the first computer further comprises a first operating system program (operating systems, whether a bios, text-based or GUI enabled operating system, are inherent in a computer with the features described,

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such as interacting with a TV tuner and having the ability to interact with the TV phone, column 5, lines 14-18, column), and the second computer further comprises a second operating system program (operating systems are inherent in a device acting as a PDA, which is an embodiment of the TV phone, which performs all of the functions described in column 4, lines 42-55).

7. Regarding claim 20 Slotznick discloses,

The device arrangement according to claim 19, wherein the second computer further comprises a circuit without the involvement of an operating system program (transceiver circuitry that is used solely in a communication step, column 18, lines 61-65).

8. Regarding claim 21 Slotznick discloses,

The device arrangement according to claim 18, wherein the second computer is housed outside the first computer (TV phone is a separate unit from the computer, column 5, lines 14-24).

9. Regarding claim 22 Slotznick discloses,

The device arrangement according to claim 18, wherein the second computer contains a power supply unit operating independently of a power pack of the first computer (the second computer, the TV phone is depicted as a separate device, which would require that it have its own power pack, Fig. 1C).

10. Regarding claim 24 Slotznick discloses,

The device arrangement according to claim 18, wherein the second computer provides the data transfer service when the first computer has been deactivated (the TV phone is depicted as being able to interact with the internet by itself, Fig. 1B, paragraph 1).

11. Regarding claim 25 Slotznick discloses,

The device arrangement according to claim 18, wherein the second computer is contained in a portable device (a TV phone is disclosed, which has all the functions of a PDA, column 4, lines 42-55).

12. Regarding claim 27 Slotznick discloses,

The device arrangement according to claim 18, wherein the first computer further comprises a transmitting/receiving unit which transmits and receives data packets over the data transmission network (the first computer has a receiver which receives signals from the TV Phone via a TV tuner, column 5, lines 14-18 and a transmitter is disclosed, column 8, lines 51-61) , wherein the data transmission network operates according to an internet protocol (The first computer is connected to a WAP via the second computer, column 16, lines 4-5).

13. Regarding claim 28 Slotznick discloses,

The device arrangement according to claim 27, wherein the first computer further comprises a setting unit which transmits a setting value to the transmitting/receiving unit of the first computer (a receiver is inherent in the design of a TV tuner, which is the interface used for a computer in the embodiment, and would forward a setting value, a channel, to a Tuner, column 5, lines 14-18, column 13, lines 30-35).

14. Regarding claim 29 Slotznick discloses,

The device arrangement according to claim 18, wherein the second computer contains a transmitting/receiving unit which receives data over the data transmission network (the receipt of data by a data transmission service, column 16, lines 2-4) and/or transmits data into the data transmission network, wherein the data transmission network operates according to an internet protocol (The use of WAP to communicate, column 16, lines 4-5).

15. Regarding claim 34 Slotznick discloses,

The device arrangement according to claim 28, wherein the signaling unit and/or the setting unit contains an interface to a data viewing program serving to access data over a data transmission

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network (information sent to the TV tuner is displayed on a monitor, which can be construed as data viewing, column 5, lines 14-18, column 8, lines 29-32).

16. Regarding claim 36 Slotznick discloses,

A second computer for a device arrangement within a data transmission network, comprising: a data processing unit for data transfer (a speech recognition module linked to a remote and by the remote linked to the wireless transmitter that processes data, Fig. 11); a transmitting/receiving unit for connection to the data transmission network (a wireless transmitter 335 and wireless receiver 323 are disclosed, Fig. 11); a control unit for controlling the data processing unit (wireless spatial mouse 395 and keypad 333 are included which can be construed as control units by the reading of the specification, Fig. 11), and a communication element for exchanging a control message or a control signal between the control unit and the data processing unit (communication between such elements (mouse's, keypads and data processors) are inherent).

17. Regarding claim 37, Slotznick discloses,

A method for operating a device arrangement, comprising: provisioning of a signaling unit for the use of a data transfer service in a first device (a TV tuner is used as a signaling unit in an embodiment of the invention, column 5, lines 14-18); provisioning of a data processing unit in a second device (a data processor is an inherent feature of a device as described in the invention); assigning the first and second devices to each other (a relationship is established between the first and second device, column 6, lines 8-11); and providing a data transfer service by the

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first and second devices (a data transmission service is set up between the second and first device, column 6, lines 8-11).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

20. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over

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Slotznick as applied to claim 18 above and in further view of Thandiwe (United States Patent 6456036).

Regarding claim 23, Slotznick Does not disclose,

The device arrangement according to claim 18, wherein the second computer is operatively connected to the power supply of a data transmission network.

However Thandiwe discloses,

A charger for a mobile device that communicates across a network it is connected to in which it is connected to a power outlet, which is interpreted here to allow such power outlet be the same as that powering the network(column 4, lines 17-42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Thandiwe and Slotznick in an effort to maintain information about battery condition of the mobile device as well as the art being geared towards the same subject matter, that is powering of a computing device.

21. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slotznick as applied to claim 18 above and in further view of Terho et al., hereinafter Terho (United States Patent 6507590).

Regarding claim 26 Slotznick discloses,

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The device arrangement according to claim 18, wherein the first computer is a network computer (the first computer may have an internet connection, the internet being a network, column 5, lines 14-24).

Slotznick does not disclose,

receipt of an application program over the data transmission network.

However, Terho discloses which would enable receipt by a first computer of an application program via the mobile phone using the IP protocols as described in (column 6, lines 46-58) with the mobile phone interpreted as a computer considering its functionality (column 5, lines 39-61).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Slotznick and Terho in order to allow a computer to receive formatted data, from another computer.

22. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slotznick as applied to claims 18 and 29 above and in further view of Salama et al hereinafter Salama (United States Patent 6584093).

23. Regarding claim 30, Slotznick discloses,

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The device arrangement according to claim 29, wherein the data is voice data and/or video data (transmission of audio and video data is disclosed, column 2, lines 52-53).

Slotznick Does not disclose, The device arrangement according to claim 29, wherein the internet protocol is transmitted according to a H.323 based protocol

However, Salama discloses transmission of data using a H.323 gateway, which handles transmissions. (column 12, lines 49-54)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Salama and Slotznick in order to allow the device in the instant invention to use a common, standardized method of communicating audio/video content.

24. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slotznick as applied to claim 18 and 29 above and in further view of Maes (United States Patent 6934756).

25. Regarding claim 32, Slotznick does not disclose, The device arrangement according to claim 29, wherein the signaling messages are transmitted to the transmitting/receiving unit of the second computer according to a control protocol for transferring data in data packets, the control protocol selected from the group consisting of H.225, H.245, SIP.

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However, Maes discloses, The use of H.225, H.245 and SIP (column 37, lines 41-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Maes and Slotznick to take advantage of a set of protocols known to be used successfully in the implementation of speech delivery in a network.

26. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slotznick as applied to claim 18 above and in further view of Feyaerts (United States Patent 6771636).

27. Regarding claim 33, Slotznick Does not disclose, The device arrangement according to claim 18, wherein the signaling unit provides an interface that have been specified for users on a private branch exchange or for an UPO interface or a CorNet interface.

However, Feyaerts discloses a CorNet interface for users on a private branch exchange via a private branch exchange connection and emulator (column 6, lines 7-12).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Feyaerts and Slotznick to allow for the access to a system that will

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allow information to be exchanged in a manner that will allow for the offering of specific service attributes, such as information about a network.

28. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slotznick as applied to claim 18 above and in further view of Kohzuki (United States Patent 6912225).

29. Regarding claim 35, Slotznick does not disclose,
The device arrangement according to claim 18, wherein the device arrangement is adapted to register an overload case on the data transmission network between the first computer and the second computer and wherein upon registry of the overload case, forwarding a data packet is given a priority.

However, Kohzuki discloses,

A condition that if an overflow is to occur the transmission of the packet and not the guarantee of minimum bandwidth is given priority, (column 11, line 45-48):

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Slotznick and Kohzuki in order to maintain a steady flow of data in the event of an overflow.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherod J. Emerson whose telephone number is 5712701914. The examiner can normally be reached on 8:00AM - 5:00PM Alternate Fridays off.

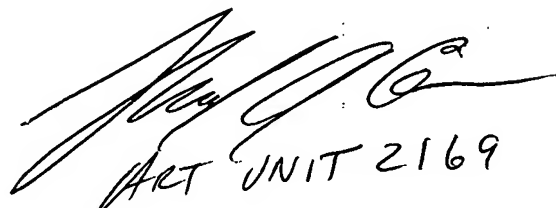
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on 5712724190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SJE

11/28/07


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ART UNIT 2169


10 December 2007